

REMARKS

Claims 1-14 are pending in this application after this Amendment. Claims 2-9, 11 and 12 are withdrawn from consideration. Claims 1 and 10 are independent. In light of the remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1, 10, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over *Sasaki et al.* (USP 6,515,698) in view of *Iwasaki* (USP 5,987,265). Applicant respectfully traverses this rejection.

Claim Rejections – 35 U.S.C. §103

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Sasaki et al.* teaches all of the elements of claim 1, including a photometry device 19 for performing photometry to output photometry values (col. 4, lines 26-34, and col. 6, lines 19-44); and an exposure control device for controlling an amount of exposure in the imaging device on the basis of the photometry values outputted by the photometry device, citing to col. 4, lines 26-34 and lines 38-57.

The Examiner admits that *Sasaki et al* fails to teach or suggest a photometry device for performing photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values. The Examiner relies on the teachings of *Iwasaki* to cure the deficiencies of the teachings of *Sasaki et al.* citing to photometry sensor 9,

col. 5, lines 10-35, and Figs. 2-3. Applicant respectfully disagrees with the Examiner's characterization of these references.

By this amendment, Applicant has amended claim 1 to recite, *inter alia*, a digital camera comprising an image file create device for creating an image file for each imaging by the imaging device, the image file create device recording in the image file the image data outputted from said imaging device and data representing the photometry values for each of the sections outputted from said photometry device including the identification numbers which specify each of the sections.

The disclosure of *Sasaki et al.* is directed to an electronic still camera with various modes of data compression. At col. 8, lines 42-51, *Sasaki et al.* discloses:

In the first block or 256-byte block of block number 11H, data indicating the presence or absence of the flash (or information as to whether the flash has been used or not), white balance data, and photographing condition data including the exposure value (or aperture value) and shutter speed are recorded, and the remaining 252-byte area is used as a user area for recording the title, for example. Image data may be successively recorded in an area from 257 th byte to block number 2AH. 64 blocks, 32 blocks, 16 blocks and 8 blocks are used respectively in modes (A), (B), (C) and (D).

The disclosure of *Iwasaki* is directed to a photometry device of a camera that includes a photometry circuit, which measures the luminance value of the object field, a colorimetry circuit, which measures the color balance of the object field, and a scene discrimination unit, which discriminates the scene on the basis of the output from the colorimetry circuit. The device calculates the proper exposure value of the object field on the basis of inputs from the photometry circuit and the scene discrimination circuit (Abstract).

Specifically, at col. 6, lines 6-25, *Iwasaki* discloses:

In step #101, photometry is done by the photometry circuit 11, and the photometry output is numerically converted by the first A/D conversion unit 12 to obtain photometry data. The photometry data is input to the microcomputer 23.

In step #102, the luminance calculation unit 13 calculates luminance values BV1 to BV5 of the object field on the basis of the obtained photometry data.

In step #103, the colorimetry circuit 14 measures the color of the object field, and its output is numerically converted into colorimetry data by the second A/D conversion unit 15. The colorimetry data is input to the microcomputer 23.

In step #104, the color balance of the object field is calculated based on the obtained colorimetry data.

In step #105, the scene of the object field is discriminated based on the obtained absolute luminance value and color balance value. The scene discrimination method will be described in detail later.

In step #106, a proper exposure value for the object field is calculated on the basis of the scene discrimination result, calculated absolute luminance value, and the like.

The Examiner seeks to replace the exposure sensor of *Sasaki et al.* with the photometry sensor and photometry circuit of *Iwasaki*, and further to store the photometry values. However, the Examiner fails to provide any motivation as to why one skilled in the art would be motivated to store the photometry values.

In addition, it is respectfully submitted that neither of the references, either alone or in combination, teach or suggest an image file create device for creating an image file for each imaging by the imaging device, the image file create device recording in the image file the image data outputted from said imaging device and data representing the photometry values for each of the sections outputted from said photometry device including the identification numbers which specify each of the sections, as recited in claim 1, as amended.

At most, *Sasaki* teaches storing exposure values. There is no teaching or suggestion in either of the references that teach storing the photometry values for each of the sections outputting from the photometry device, including the identification numbers which specify each of the sections.

For all of these reasons, it is respectfully submitted that claim 1, as amended is not obvious over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claim 13 is allowable for the reasons set forth above with regard to claim 1 as least based on its dependency on claim 1. It is further respectfully submitted that claim 10 includes elements similar to those set forth above with regard to claim 1 and thus claim 10 is allowable for the reasons set forth above with regard to claim 1.

Conclusion

In view of the above Remarks, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

40,439

By

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